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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Michael Brodheim,

12 Plaintiff,

No. CIV S-02-0573 FCD PAN P

13 vs.

14 Michael Cry, et al.,

15 Defendants.

ORDER

16 _____/
17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action
18 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

20 On August 5, 2005, the magistrate judge filed findings and recommendations
21 herein which were served on all parties and which contained notice to all parties that any
22 objections to the findings and recommendations were to be filed within twenty days. Plaintiff
23 has filed objections to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
25 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
26 file, the court finds the findings and recommendations to be supported by the record and by

1 proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed August 5, 2005, are adopted in full.

4 2. Defendants' November 19, 2004, motion to dismiss is granted in part.

5 3. Claims against Belancik, Moreno, Loftin and Rianda are dismissed for failure
6 to state a claim.

7 4. Defendants Cry, Ramirez-Palmer and Valadez shall answer the third amended
8 and supplemental complaint within 20 days.

9 DATED: September 8, 2005

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11 /s/ Frank C. Damrell Jr.
12 FRANK C. DAMRELL JR.
13 United States District Judge
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